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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
\$30,064.94 IN FUNDS SEIZED FROM  
ACCT # XXXXX08318; \$8,298.00 IN  
FUNDS SEIZED FROM ACCT #  
XXXXX21933; \$854.53 IN FUNDS  
SEIZED FROM ACCT # XXXXX60403,  
ALL FROM BANK OF AMERICA,  
  
Defendant.

No. CV 12-3839 DMR

**STATUS REPORT AND STIPULATION  
AND ~~PROPOSED~~ ORDER FOR  
FURTHER STAY OF PROCEEDINGS  
PURSUANT TO 18 U.S.C. §§ 981(g)(1)  
AND (2)**

IT IS HEREBY STIPULATED by and between Plaintiff UNITED STATES OF AMERICA  
and Claimant COAST EXPORTS, INC., through their respective counsel, that this matter be  
stayed pursuant to 18 U.S.C. § 981(g).

2. There exists a related federal criminal investigation regarding the principals of the  
claimant, COAST EXPORTS, INC. Many of the issues and the targets in that investigation are  
related to this forfeiture proceeding.

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STIPULATION AND ~~PROPOSED~~ ORDER FOR FURTHER STAY OF  
PROCEEDINGS PURSUANT TO 18 U.S.C. § 981(g)  
[No. CV 12-3839 DMR]

1 3. If this case were to proceed, target's Fifth Amendment rights against self-incrimination  
2 will be burdened in the related criminal case.

3 4. The provision of 18 U.S.C. § 981(g)(1), provides that "Upon the motion of the United  
4 States, the court shall stay the civil forfeiture proceeding if the court determines that civil  
5 discovery will adversely affect the ability of the Government to conduct a related criminal  
6 investigation. Here, the parties have agreed that both the Government and the Claimant's  
7 principal officers would be adversely affected if the civil case were to proceed. The  
8 Government's criminal investigation would be adversely affected by allowing the claimant to  
9 take discovery in this matter and allow them to question the Government's witnesses about the  
10 ongoing criminal investigation and the Government may be forced to disclose matters prior to the  
11 time it would normally have to do so within the confines of a criminal case.

12 5. The provisions of 18 U.S.C. § 981(g)(2), related to stays of civil forfeiture proceedings,  
13 provide that "[u]pon the motion of a claimant, the court shall stay the civil forfeiture proceeding  
14 with respect to that claimant if the court determines that (A) the claimant's principal officer is the  
15 subject of a related criminal investigation or case; (B) the claimant's principal officers on behalf  
16 of COAST EXPORTS, Inc., appear to have standing to assert a claim in the civil forfeiture  
17 proceeding; and (C) continuation of the forfeiture proceeding will burden the right of the  
18 claimant's officers against self-incrimination in the related criminal investigation or case.

19 6. Pursuant to the above representations, and the provisions of 18 U.S.C. §§ 981(g)(1) and  
20 (2), the parties hereby stipulate and agree to stay this civil forfeiture proceeding until the  
21 completion of the criminal investigation, or until such earlier time as either party, or this Court,  
22 may request that the matter be heard.

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7. The government has executed a federal search warrant at two locations associated with the target's residence and the Claimant's business location. The government is still reviewing the evidence seized from both locations and analyzing the numerous files from the computers.

8. The parties further stipulate and agree that they request this Court continue this matter for 90 days and set a further status report on August 21, 2013.

IT IS SO STIPULATED:

Dated: May 22, 2013

MELINDA HAAG  
United States Attorney

/S/ Arvon J. Perteet  
ARVON J. PERTEET  
Assistant United States Attorney  
Attorney for the United States of America

Dated: May 22, 2013

/S/ Gerard Lam  
GERARD LAM  
Attorney for Claimant  
COAST EXPORTS, INC.

### ORDER

IT IS SO ORDERED on this \_\_\_\_ 4: \_\_\_\_ day of \_\_\_\_ Oc{\_\_\_\_, 2013 pursuant to the foregoing stipulation, that the this civil forfeiture proceeding be stayed until the completion of the criminal proceedings in Mendocino County state court or until such earlier time as either party, or this Court, may request that the matter be heard.

IT IS FURTHER ORDERED that this matter continue for 90 days and is set for further status report on August 21, 2013.

  
HONORABLE DONNA M. RYU  
United States Magistrate Judge